

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>KEVIN D. JOHNSON,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 08-cv-304-JPG</b>
	)	
<b>ALTON MENTAL HEALTH CENTER, <i>et</i></b>	)	
<b><i>al.</i>,</b>	)	
	)	
<b>Respondents.</b>		

**MEMORANDUM AND ORDER**

**GILBERT, District Judge:**

Petitioner, currently incarcerated in the Alton Mental Health Center after being found not guilty of first-degree murder by reason of insanity, brings this habeas corpus action pursuant to 28 U.S.C. § 2254 to challenge the constitutionality of his confinement.

Petitioner names as a respondent the Alton Mental Health Center, the People of the State of Illinois, and the Attorney General of the State of Illinois. Because Petitioner is confined, however the only proper respondent is head of the Alton Mental Health Center which the Court has identified as Susan Shobe. *See* Rules 1(b), 2(a) and (b) of the Rules Governing § 2254 Cases in the United States District Courts.

Accordingly,

**IT IS HEREBY ORDERED** that Respondents Alton Mental Health Center, the People of the State of Illinois, and the Attorney General of Illinois are **DISMISSED** from this action.

**IT IS FURTHER ORDERED** that Susan Shobe, Hospital Administrator at the Alton Mental Health Center is **SUBSTITUTED** as the proper respondent in this action.

**IT IS FURTHER ORDERED** that Respondent Shobe shall, within twenty-three (23) days of receipt of this application for Writ of Habeas Corpus, answer and show cause why the writ should not issue.

Service upon the Illinois Attorney General, Criminal Appeals Bureau, 100 West Randolph, 12th Floor, Chicago, Illinois 60601 shall constitute sufficient service.

**IT IS FURTHER ORDERED** that pursuant to Local Rule 72.1(a)(2), this cause is referred to a United States Magistrate Judge for further pre-trial proceedings.

**IT IS FURTHER ORDERED** that this entire matter be **REFERRED** to a United States Magistrate Judge for disposition, as contemplated by Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties consent to such a referral.*

**IT IS SO ORDERED.**

**Dated: July 18, 2008.**

s/ J. Phil Gilbert  
**U. S. District Judge**